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**DELEGATION OF AUTHORITY -- TOXIC SUBSTANCES CONTROL ACT**

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12-34. Certification of Individuals and Firms Engaged in  
Lead-based Paint Activities

1. PURPOSE: This order redelegates certain authorities conferred on the Regional Administrator by Delegation 12-34 of the EPA Delegations Manual.

2. AUTHORITY:

a. To grant certification and recertification to individuals engaged in lead-based paint activities as defined in 40 CFR 745.227 in States or Indian Country without an authorized Lead-Based Paint Program under the Toxic Substances Control Act (TSCA), Title IV, § 404, following the submission of an application meeting all the requirements of 40 CFR 745.226 [40 CFR 745.226].

b. To suspend, revoke or modify certification of individuals engaged in lead-based paint activities in States or Indian Country without an authorized Lead-Based Paint Program under TSCA, Title IV, § 404, if an individual has failed to comply with relevant regulations listed in 40 CFR 745.226 (g, i-ix) [40 CFR 745.226 (g)].

c. To grant certification to firms in States or Indian Country without an authorized Lead-Based Paint Program under TSCA, Title X, § 404, which perform or offer to perform any of the lead-based paint activities defined in 40 CFR 745.227 [40 CFR 745.226 (f)].

d. To suspend, revoke or modify certification of a firm engaged in lead-based paint activities as defined in 40 CFR 745.227 in States or Indian Country without an authorized Lead-Based Paint Program under TSCA, Title IV, § 404, if a firm has failed to comply with relevant regulations listed in 40 CFR 745.226 (h, i-v) [40 CFR 745.226 (h)].

3. TO WHOM REDELEGATED: The Director of the Division of Enforcement and Compliance Assistance (DECA).

4. LIMITATION: The DECA Director must secure the concurrence of the Regional Counsel or his/her designee before taking action under 2.d. to suspend or revoke, in whole or in part, the certification of a firm engaged in lead-based paint activities.

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5. FURTHER REDELEGATION:

a. The authorities specified under 2.a., 2.b., and 2.c. are hereby further redelegated to the Chief of the Pesticides and Toxic Substances Branch, as is the authority under 2.d. to modify certifications. These authorities may not be redelegated further.

b. The authority under 2.d. to suspend or revoke, in whole or in part, the certification of a firm engaged in lead-based paint activities is reserved for the DECA Director.

6. ADDITIONAL REFERENCES:

a. The Housing and Community Development Act of 1992, Title X, the Residential Lead-Based Paint Hazard Reduction Act of 1992 which amends the Toxic Substances Control Act (15 U.S.C. 2601) by adding Title IV - Lead Exposure Reduction.

b. TSCA, Title IV, § 404.

c. 40 CFR 745.

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Jeanne M. Fox  
Regional Administrator